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JUL 19 2005 Docket No. 740105-68

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Group Art Unit: 2654
Hans LEYSIEFFER)	Examiner: V. Paul Harper
Serial No. 09/896,836)	Confirmation No. 5870
Filed: 07-02-2001)	Date: July 19, 2005
For: SYSTEM FOR REHABILITATION OF A)	
HEARING DISORDER)	

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. 571-273-8300 on July 19, 2005.


Kathleen M. McManus

**SUBMISSION OF REPLACEMENT COPY OF
REQUEST FOR CONTINUED EXAMINATION (RCE)**

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

A Request for Continued Examination (RCE) Transmittal, Fee Transmittal and Petition for Extension of Time were faxed to the U.S. Patent and Trademark Office June 7, 2004, copies of the delivery notice confirmation and Request for Continued Examination (RCE) Transmittal, Fee Transmittal and Petition for Extension of Time are attached. It is noted, in PAIR, under File History, there is an entry for June 7, 2005, of "Workflow incoming petition IFW" which indicates that the original was received, even though it was never processed for entry.

Accordingly, since the original documents appear to have become lost within the Office, it is requested that the attached duplicate copies be entered and used for purposes of further examination. Furthermore, prompt action upon the Amendment filed in September, 2004, is also now requested.

Respectfully submitted,



David S. Safran
Registration No. 27,997

Customer No. 22204
NIXON PEABODY LLP
401 9th Street, NW, Suite 900
Washington, DC 20004-2128
Telephone: (703) 827-8094

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JUL 20 2005**

JUL 19 2005

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).	Application Number	09/896,836
	Filing Date	07/02/2001
	First Named Inventor	Hans LEYSIEFFER
	Group Art Unit	2654
	Examiner Name	V. Paul Harper
	Attorney Docket Number	740105-68

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
 (Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☐ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Fee Transmittal For FY 2004

v. ☒ Petition for Three-month Extension of Time

2. **Miscellaneous**

a. ☒ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(e) for a period of three
 (3) months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, additional fees which may be required, or credit any overpayments, to Deposit Account No. 19-2380(740105-68).

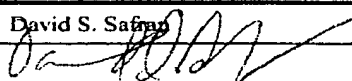
i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)


ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☒ Other Suspension Fee

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	David S. Safir	Registration No. (Attorney/Agent)	27,997
Signature		Date	June 7, 2004

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at 703-872-9306, on <u>June 7, 2004</u> .	
Signature:	
Name:	Kathleen M. McManus

SEND TO: Mail Stop RCE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

NVA297723.1

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JUL 19 2005

<p align="center">REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</p> <p>Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).</p>	Application Number	09/896,836
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iv. ☒ Fee Transmittal For FY 2004

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2. **Miscellaneous**

a. ☒ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of three
(3) _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(f) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, additional fees which may be required, or credit any overpayments, to Deposit Account No. 19-2380(740105-68).

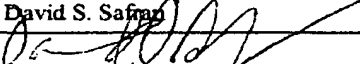
i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

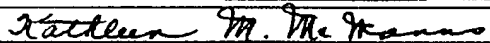
ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☒ Other Suspension Fee _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	David S. Safra	Registration No. (Attorney/Agent)	27,997
Signature		Date	June 7, 2004

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Signature:	
Name:	Kathleen M. McManus

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Alexandria, VA 22313-1450

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FEE TRANSMITTAL FOR FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1850.00)

Application Number	09/896,836	RECEIVED CENTRAL FAX CENTER
Filing Date	07/02/2001	JUL 19 2005
First Named Inventor	Hans LESIEFFER et al.	
Examiner Name	V. Paul Harper	
Art Unit	2654	
Attorney Docket No.	740105-68	

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 19-2380(740105-68)

Deposit Account Name Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims below	Fee from below	Fee Paid
20**	X		0
Independent Claims	Extra Claims below	Fee from below	Fee Paid
3**	X		0
Multiple Dependent	Extra Claims below	Fee from below	Fee Paid
	X		0

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	2053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify) Suspension fee

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1850.00)

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June 7, 2004
Date

Kathleen M. McManus
Signature
Kathleen M. McManus
Typed or printed name

SUBMITTED BY

Name (Print/Type)	David S. Safran	Registration No.	27,997	Complete (if applicable)
Signature		(Attorney/Agent)		Telephone (703) 827-8094
				Date June 7, 2004

07/20/2005 ZJUHR1 00000032 192380 09896836

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